

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
STEVEN NUNEZ,

Plaintiff,

- against -

CITIBANK, N.A.,

Defendant.  
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:  
: Civil Action No. 08-CV-5398 (BSJ)  
:

: **ECF CASE**  
:

: **NOTICE OF MOTION TO COMPEL**  
: **ARBITRATION AND DISMISS OR**  
: **STAY THE PROCEEDINGS**  
:  
:

TO: Jason G. Krantz, Esq.  
Phillips, Krantz & Associates  
Attorneys for Plaintiff  
Steven Nunez  
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PLEASE TAKE NOTICE that upon the accompanying Brief in Support of Motion to Compel Arbitration and Certification of Ruth A. Pollock, defendant Citibank, N.A. ("Citibank"), by and through its attorneys Sills Cummis & Gross P.C., will move before this Court at the United States District Court for the Southern District of New York, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Room 620, New York, New York, on the \_\_\_\_ day of \_\_\_\_\_, 2008, for an Order pursuant to Fed. R. Civ. P. 12(b)(1) and (6) and the Federal Arbitration Act, compelling arbitration and staying or dismissing the Verified Complaint in its entirety.

PLEASE TAKE FURTHER NOTICE that Citibank, N.A. requests that oral argument be held on a date and at a time to be designated by the Court.

Dated: New York, New York  
August 20, 2008

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S/DAVID W. GARLAND (DG-7506)